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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
Plaintiffs,  
v.  
GOOGLE INC.,  
Defendant.

Case No. 3:10-cv-03561 WHA (DMR)  
~~PROPOSED~~ ORDER RE: MOTION TO  
COMPEL [DKT. 1404]  
Dept. Courtroom 4 (Oakland)  
Judge: Hon. Donna M. Ryu

Pursuant to the Court's Order of December 30, 2015 (Dkt. 1410), on January 14, 2016, the parties appeared before the Court, Magistrate Judge Donna M. Ryu presiding, for a hearing on Oracle's Motion to Compel Production of Google Search Distribution Agreements and Further Rule 30(6)(b) Deposition (Dkt. 1404) ("Oracle's Motion").

The Court, having read and considered the papers submitted and having heard the parties thereon, and for good cause appearing, hereby **ORDERS** the following:

1. On or before January 27, 2016, Google will produce charts specifying the following data for each provider of a non-Android mobile operating system with whom Google has or previously had a search distribution agreement for Google search services offered in connection with such non-Android mobile operating system, where such agreement also provided for a sharing of revenue. The chart for each such provider shall contain the yearly data for the following (as well as any additional matters ordered in paragraphs 2-4):

(a) the total gross revenue Google earned under the relevant agreement;

(b) the percentage of search revenue Google shares with the provider pursuant to the relevant agreement; and

(c) a list of all Google services and applications covered under the relevant agreement.

2. Oracle's request that each chart contain the estimated number of devices covered by each agreement is ~~[GRANTED/DENIED]~~. Oracle's request is denied because it did not raise this issue at the hearing.

3. Oracle's request that each chart contain the total sum of other payments (if any) made by Google pursuant to each agreement is ~~[GRANTED/DENIED]~~. Oracle's request is denied because it did not raise this issue at the hearing.

4. The range of data disclosed by Google ~~[SHALL/SHALL NOT]~~ be limited to the years 2002 through ~~2012~~, December 31, 2015.

5. In the event of any further dispute regarding the charts, the parties shall promptly meet and confer and submit a joint letter brief of no more than 3 pages by February ~~8, 2016~~ <sup>3, 2016</sup>.

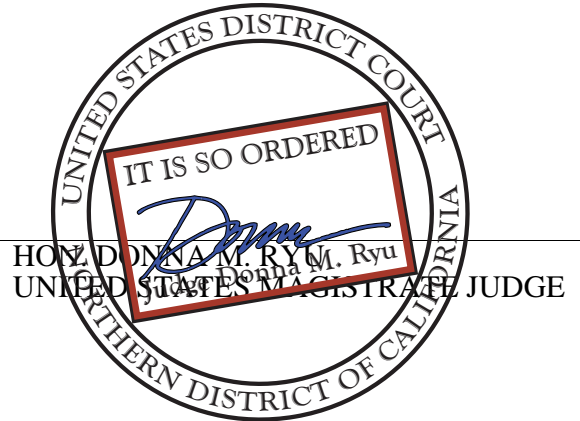
6. Google is not required to identify the providers associated with the search distribution agreements, and instead may name them by a pseudonym such as "Mobile Platform Provider A." If Google does not identify the platform providers associated with the agreements, Google shall not be permitted to exploit in any respect the non-production of the identity of any

1 unidentified provider. In particular, though without limitation, Google shall not argue that any  
2 data referenced in the charts is more or less relevant to fair use or monetary remedies as a result  
3 of the lack of identity of the provider.

4 **IT IS SO ORDERED.**

5 Dated: January 20, 2016

6  
7 By:



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10 Approved as to form:

11 Dated: January 20, 2016

KEKER & VAN NEST LLP

12 By:

/s/ Robert A. Van Nest  
ROBERT A. VAN NEST

13  
14 Attorneys for GOOGLE, INC.

15  
16 Dated: January 20, 2016

ORRICK, HERRINGTON & SUTCLIFFE  
LLP

17  
18 By:

/s/ Annette L. Hurst  
ANNETTE L. HURST

19  
20 Attorneys for ORACLE AMERICA, INC.